



GREENWOOD COMMON COUNCIL FEBRUARY 2, 2004 MINUTES

President Jessie Reed called the meeting to order at 7:00 p.m.

Linda Gibson led the audience in the Pledge of Allegiance, after which the Rev. Doug Caister of the Sanctuary Community Church offered the invocation.

PRESENT:	Council members Bruce Armstrong, Ron Bates, Bill Bless, Ron Deer, John Gibson, Keith Hardin, Jessie Reed; Clerk-Treasurer Jeannine Myers; and City Attorney Shawna Koons-Davis. Mayor Henderson was unable to attend.
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Mr. Bates moved to approve the minutes of the regular meeting of January 19th, with second by Mr. Gibson. Vote: Ayes.

Ms. Koons-Davis had distributed her litigation report. There were no questions from the Council.

Mr. Armstrong reported on the Plan Commission's training session. The next meeting is February 9th.

Mr. Hardin reported that the ad hoc review committee met last Thursday to discuss the City Building space solutions and discussed possible scenarios. The attorney for J. Greg Allen Builder presented a possible lease/purchase solution. The committee would like to hold a public hearing at the next meeting. Counsel noted that since notice is not required, it could be advertised in the *Southside Challenger* and possibly the *Daily Journal*. Minimally this is 10 days before the public hearing. Mr. Deer asked if the committee had agreed that the study done in 2002 was still valid, and Mr. Hardin replied that they had not reached that conclusion as yet. The committee is looking for public input early on. The hearing will tentatively be February 12th.

Mr. Deer reported that the tax abatement committee met last Thursday and continued review of the developing standards. The next meeting has been set for Thursday, February 12th at 7:00 p.m.

ORDINANCE No. 04-02 – An Ordinance Amending Greenwood Municipal Code (1993), As Amended, Chapter 3, Article 1, Division II, Sections 3-14 and 3-16, To Change the Order of Business For Meetings of the Common Council and To Change the Procedure For Introduction of Ordinances and Resolutions. Mr. Hardin moved to pass Ordinance No. 04-02 through first reading. Second by Mr. Gibson. In response to Mr. Deer, the City Attorney explained that "Notice of Intent to Consider" regards only ordinances to change the zoning map. State statute anticipates that those will be done all in one night; the law changed in 1986 so that the legislative body did not have to have an introduction and separate readings for zoning changes. Ms. Koons-Davis said that it is left on the agenda in the event the Council decides to pass a zoning change in one night. Ordinance No. 86-50 allows this. Council members expressed varying opinions on whether they would prefer to have a presentation at the time of introduction or at first reading. Vote: Ayes. **PASSED FIRST READING.**

ORDINANCE No. 04-03 – An Ordinance Amending Common Council Ordinance No. 01-39 Entitled "An Ordinance Regarding the Cost of Public Fire Protection Service to be Provided by Indiana-American Water Company, Inc." to Repeal the Requirement that the Costs of Providing Water for Public Fire Protection be Recovered by the Water Utility Through the Basic Rates of Utility Customers Within the City. Mr. Armstrong moved to pass Ordinance No. 04-03 on first reading. Second by Ms. Reed. Ms. Reed indicated that she had wanted to bring this before the Council because it was a concern of residents that they expressed during the election campaign. In response to Mr. Deer, the City Attorney said that the ordinance is drafted to take effect as soon as the Indiana Utility Regulatory Commission approves the change, which she learned should be about twelve weeks after Indiana-American files the revised schedule of rates and charges. Mr. Hardin expressed concern that this is not budgeted for 2004. In response to Mr. Deer, counsel said that Chris Wood of Indiana-American told her that the City would

be responsible for about 1,200 hydrants. The charge is \$36.83 per hydrant per month, which would mean about \$530,000 per year, per Indiana-American's estimate. Mr. Deer thought it was premature for the Council to take action on something that the City may not be able to fund and suggested taking the opportunity to review it during the budget process. He also reminded the Council that as a users' fee, the cost has been spread to not-for-profit organizations that do not pay property tax. Utility accountant Pat Sherman mentioned that the water company takes anyone who lives within 1,000 feet of a fire hydrant, whether or not they live in the City, so additional customers are added. Mr. Sherman, in response to Mr. Hardin, said we are at maximum levy, so we do not have more money to go to certified shares. He then gave a brief history of going to a user fee and stressed that it often could be several years from the time the City received a bill for the hydrant and there was a home associated with that hydrant on the tax rolls. He recounted that the ordinance was passed quickly because of the IURC meeting date, and the IURC would not accept the ordinance unless it was complete with signatures. After more discussion, Mr. Hardin moved to table Ordinance No. 04-03. Second by Mr. Armstrong. Vote: Ayes. **ORDINANCE No. 04-03 TABLED.**

RESOLUTION No. 04-03 – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan for the Annexation of Approximately .34 Acres Located on the Southeast Corner of County Line Road and Meridian Street, Referencing Annexation Ordinance No. 04-06. Mr. Gibson moved to pass Resolution No. 04-03 on first reading. Second by Mr. Bates. Vote: Ayes. **PASSED FIRST READING.**

ORDINANCE No. 04-05 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled "An Ordinance Establishing Comprehensive Zoning Regulations for the City of Greenwood, Indiana, and Providing for the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith" (Proposed Rezoning of approximately .34 acres, Lot 13 of the McCrary Subdivision, located south of County Line Road and on the east side of Meridian Street, commonly known as the Kimbler Property). Mr. Bates moved to pass Ordinance No. 04-05 on first reading, with second by Mr. Bless. As neither Mr. Kimbler or his counsel was present, Mr. Gibson moved to postpone until the next meeting. Second by Mr. Deer. Vote: Ayes. **POSTPONED.**

ORDINANCE No. 04-06 – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately .34 Acres Located South of County Line Road and on the East Side of Meridian Street (commonly known as lot 13 of the McCrary Subdivision and the Kimbler Property). Mr. Armstrong moved to postpone the annexation until February 16th. Second by Mr. Gibson. Vote: Ayes. **POSTPONED.**

ORDINANCE No. 04-07 – An Ordinance Providing For an Additional Appropriation From the General Fund to the Clerk-Treasurer (\$3,000). Mr. Gibson moved to pass Ordinance No. 04-07 on first reading. Second by Mr. Bates. Ms. Reed opened the public hearing for comments for or against. This was money that was put back into the general fund that was not used for the deputy clerk last year, explained Ms. Reed, and this would be used to buy office furniture. Vote: Ayes. **PASSED FIRST READING.**

ORDINANCE No. 04-01 – An Ordinance Transferring Funds From the Budget of the Greenwood City Court (\$43,582) to the Budget of the Post-Conviction Services (Probation & Drug Court). Mr. Hardin moved to pass Ordinance No. 04-01 through second reading. Second by Mr. Bates. Judge Lew Gregory was invited to speak. He reminded the Council that this transfer involved late fees collected by the Court being moved into Post-Conviction Services to take care of a deficit that they incurred in 2003. At this time he suggested an amendment to transfer \$8,000 to the General Fund, reducing the amount to \$35,582 as it does not appear that the full amount will be necessary. Mr. Deer moved to amend Ordinance No. 04-01 as described. Second by Mr. Gibson. Vote: Ayes. **AMENDED.** Vote on Ordinance No. 04-01 as amended: Ayes. **PASSED SECOND READING AS AMENDED.**

RESOLUTION No. 04-04 – A Resolution of the Greenwood Common Council Authorizing the Filing, Acceptance and Implementation of a Challenge Grant Program with the Indiana Criminal Justice Institute and Related Matters (Funding for Parent Education to Prevent Child Sexual Abuse). **INTRODUCED.** Karen Duncan was invited to speak and answer questions on the proposal they had received. Mr. Hardin asked why she brought the matter to this body when she would be working outside our jurisdiction as well. Ms. Duncan said that her first thought was to come before her council, as she is a long-time resident. Mr. Hardin also questioned why over 50% would go toward salaries. Ms. Duncan said she would be program director, and there would be a program coordinator as well. She told the Council that

this type of program is people intensive, so a specified amount of hours, at least full-time, would be required. Ms. Duncan, in response to Mr. Hardin, indicated that she had met previously with Chief Hessman but was not aware until tonight that the police department does not endorse the program. Mr. Hardin then commented that, per Nikki Kincaid of the Indiana Criminal Justice Institute, this proposal seems to be a duplication of the CARE program. Ms. Duncan said that this was not mentioned in the numerous e-mails in the past few months. She told the Council that the (Communities Against Rape) program is operated through Purdue University and does not operate in our community or anywhere in Johnson County. Ms. Duncan explained that the focus of her proposal is children and adolescents who have been victims of child sexual abuse who are in the criminal justice system here in Johnson County. Mr. Deer agreed with Mr. Armstrong that the proper body for the administration is the County. Ms. Duncan indicated that first the program is reviewed, and then a final review for funding. This happens only once a year. Ms. Duncan described child sexual abuse as a hidden crime and urged the Council to back the proposal. Chief Hessman said that he could not support the program because the City would have no input into the program, that the salary structure is excessive, and that this would be better served in a non-profit organization. Ms. Duncan asked the Council to take the next step to see if they can get the funding, not to sign an agreement with her. Then questions or concerns could be researched, she said. Mr. Armstrong moved to suspend the rules to consider Resolution No. 04-04 on first reading. Second by Mr. Deer. Vote: Aye – Armstrong; Nays – Bates, Bless, Deer, Gibson, Hardin, Reed. **RULES NOT SUSPENDED.**

ORDINANCE No. 04-08 – An Ordinance Establishing a Rainy Day Fund for Certain Special Income Tax Distributions. **INTRODUCED.** Ms. Koons-Davis told the Council that this ordinance is in response to a memo passed on from the Clerk-Treasurer. The County Auditor gave notice that we are getting an additional distribution of CAGIT funds above and beyond the usual. State statute requires that those additional distributions be put in a Rainy Day Fund.

Under miscellaneous business Mr. Deer suggested that since the next agenda appears light it might be an appropriate meeting to discuss the future of the sewer and how it affects growth on the east side.

Also on the corner of Brewer and Wiley, Mr. Deer reported a large chuck hole on northbound Brewer at that intersection.

Regarding Precedent Industrial Group for lot 1 at the Business Center, Mr. Bless moved to find them in substantial compliance. Second by Mr. Bates. This is reviewed yearly, mentioned Mr. Deer. Vote: Ayes.

Mr. Bates asked about a formal resolution reflecting the Council's desire as the ad hoc committee studies the space issue. The City Attorney explained that ad hoc, being a committee "thrown together as needed", most times the committee would be convened and appointed each time the Council wanted them to act. It was her understanding when the committee was formed that there would probably be different people each time. She did not think, she added, that this was to be a standing review committee. Mr. Bates preferred to call it a temporary committee, he said. There was more discussion about the length of time the committee to study space issues might serve.

Ms. Koons-Davis presented Uniform Conflict of Interest Disclosure Statements from the following:

Byford Reed, member of the Police Merit Commission, for any interest he might have in the earnings of his spouse, Jessie Reed, a Council member;

Garnet Vaughan, member of the Redevelopment Commission, for any interest she might have in the earnings of David Payne, a captain in the Police Department;

Jessie Reed, member of the Common Council, for Byford Reed, who serves on the Police Merit Commission, for any interest she might have in his earnings;

Joseph Corwin, part-time assistant in the Parks Department, for any interest he might have in the earnings of Angela Corwin, a full-time employee of the Parks Department;

Angela Corwin for her husband Joseph, for any interest she might have in his earnings;

Angela Corwin for Melissa Sue Corwin, a dependent of hers, who works part-time for the Parks Department, for any interest she might have in her earnings;

Carmen Madsen, member of the Plan Commission, for any interest she might have in the earnings of Jeff Madsen, full-time employee of the Parks Department;

Jeff Madsen for his wife Carmen, for any interest he might have in her earnings;

Alfred Wright, a Greenwood firefighter, for any interest he might have in certain contracts with the City as owner of the Wright Saw Shop;

Clinton Ferguson, Director of Planning, for any interest he might have in the earnings of his wife Barbara, employed in the Sanitation Billing Office;

Barbara J. Ferguson, for any interest she might have in the earnings of her husband Clinton, Planning Director;

Jim Lamb, grounds worker for the Parks Department, for any interest in the earnings of Kevin Lamb, his dependent, who works part-time for the Parks Department;

Jennifer Marie Wood, scientist in the Police Lab, for any interest she might have in the earnings of Thomas Douglas Wood, a full-time Police officer;

Thomas Douglas Wood, for his wife Jennifer Marie Wood, forensic lab technician in the Police Department, for any interest he might have in her earnings.

Mr. Hardin moved to accept the Uniform Conflict of Interest Disclosure Statements as presented. Second by Mr. Deer. Vote: Ayes.

With no further business, the meeting adjourned at 8:30 p.m.